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The President

EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER NO. 8771 OF JUNE 6, 1941, ENTITLED "AUTHORIZING THE UNITED STATES MARITIME COMMISSION TO TAKE OVER CERTAIN FOREIGN MERCHANT VESSELS"

By virtue of the authority vested in me by the act of Congress entitled, "An Act to authorize the acquisition by the United States of title to or the use of domestic or foreign merchant vessels for urgent needs of commerce and national defense, and for other purposes", approved June 6, 1941 (Public Law 101, 77th Congress), it is ordered that paragraph (c) of section 2 of Executive Order No. 8771¹ of June 6, 1941, entitled, "Authorizing the United States Maritime Commission to Take Over Certain Foreign Merchant Vessels", be, and it is hereby, amended to read as follows:

(c) To document any or all of such vessels under the laws of the United States or of any other country of the Western Hemisphere.

FRANKLIN D ROOSEVELT
THE WHITE HOUSE,
January 28, 1942.
[No. 9046]

[F. R. Doc. 42-818; Filed, January 29, 1942; 11:24 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

[O-54-1]

PART 954—MILK IN THE DULUTH-SUPERIOR MARKETING AREA

AMENDMENT NO. 1 TO THE ORDER² REGULATING THE HANDLING OF MILK IN THE DULUTH-SUPERIOR MARKETING AREA³

Claude R. Wickard, Secretary of Agriculture of the United States of America,

¹ 6 F.R. 2759.

² 6 F.R. 2231.

³ Issued under the authority contained in 48 Stat. 31, 670, 675 (1933); 49 Stat. 750 (1935); 50 Stat. 246 (1937); 7 U.S.C. and Supp. 601 et seq.

executed a marketing agreement and issued Order No. 54 regulating the handling of milk in the Duluth-Superior marketing area, both effective on May 5, 1941.

There being reason to believe that the issuance of an amendment to said marketing agreement and to said order would tend to effectuate the declared policy of the act, notice was given of a hearing which was held in Duluth, Minnesota, beginning on November 26, 1941, on a proposal to amend the marketing agreement and the order regulating the handling of milk in the Duluth-Superior marketing area, at which time and place all interested parties were afforded an opportunity to be heard upon such proposals.

After such hearing, handlers of more than fifty percent of the volume of milk covered by such order which is marketed within the Duluth-Superior marketing area, signed a tentatively approved marketing agreement, as amended, regulating the handling of milk in the same manner as the said order as hereby amended.

The requirements of section 8c (8) of the act have been complied with.

It is found (§ 954.0) upon the evidence introduced at the above-mentioned public hearing, such findings being in addition to the findings made upon the evidence introduced at the original hearings on the order and being in addition to the other findings made prior to or at the time of the original issuance of the order (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings herein-after set forth):

§ 954.0 Findings. * * *

(e) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to secs. 2 and 8e, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above

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the levels which are declared in the act to be the policy of Congress to establish;
(f) That the order, as hereby amended, regulates the handling of milk in the same manner as a marketing agreement, as amended, upon which a hearing has been held; and

(g) That the issuance of this Amendment No. 1 to the order and all of its terms and conditions, tends to effectuate the declared policy of the act.

It is hereby ordered that the order regulating the handling of milk in the Duluth-Superior marketing area be and it is hereby amended as follows:

1. Delete subparagraph (1) of § 954.2 (e) and substitute therefor the following:

(1) Not later than the end of each delivery period, the prices for Class I milk and Class II milk and the butterfat differential to be effective for the following delivery period.

2. Delete paragraph (c) of § 954.4 and substitute therefor the following:

(c) *Interhandler and handler to non-handler sales.* (1) Milk or skim milk disposed of by a handler to another handler shall be classified as Class I milk, subject to verification by the market administrator: *Provided*, That milk or skim milk disposed of by a handler to a handler who receives no milk from producers or new producers other than milk of his own production shall be Class I milk.

(2) Milk or skim milk disposed of by a handler to a nonhandler shall be classified: (i) as Class I milk if such nonhandler disposes of any milk as milk for human consumption; and (ii) as Class II milk if such nonhandler disposes of no milk as milk for human consumption.

3. Delete § 954.5 and substitute therefor the following:

§ 954.5 *Minimum prices.* (a) Each handler shall pay, at the time, and in the manner set forth in § 954.8, not less than the prices per hundredweight calculated as follows for milk of 4.0 percent butterfat content received at such handler's plant:

(1) *Class I milk.* For each delivery period, the price for Class II milk for such delivery period plus \$0.55 for the delivery periods of April through August, inclusive, and plus \$0.65 for the delivery

periods of September through March, inclusive: *Provided*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be such Class I price less 47 cents.

(2) *Class II milk.* For each delivery period the price which results from the following computation by the market administrator: (i) determine the average of daily prices per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the period from the 25th day of the month second preceding such delivery period through the 24th day of the month immediately preceding such delivery period; (ii) multiply by 4; (iii) add 25 percent thereof; and (iv) add an additional $\frac{1}{2}$ cent for each $\frac{1}{40}$ cent that the average f. o. b. gross factory price per pound of dry skim milk solids for human consumption as reported to the United States Department of Agriculture by the American Dry Milk Institute, Inc., for the month second preceding such delivery period is above 7 cents.

4. Delete subparagraph (1) of § 954.6 (a) and substitute therefor the following:

(1) The provisions of § 954.5, § 954.7, § 954.8, § 954.9, and § 954.10 shall not apply to a handler who receives no milk from producers or new producers other than milk of his own production.

5. Delete in paragraph (a) of § 954.7 the final phrase, "that emergency milk received by a handler shall be deducted on a prorata basis from each class," and substitute therefor the following:

"* * * that emergency milk received by a handler shall be deducted on a prorata basis from each class (after excluding receipts of milk from other handlers)."

6. Delete in paragraph (f) of § 954.8 the final phrase, "an amount equal to $\frac{1}{40}$ of the Class II price," and substitute therefor the following:

"* * * an amount computed by the market administrator as follows: (i) add to the average of daily prices per pound of 92-score butter, computed pursuant to § 954.5 (a) (2) (i), 25 percent thereof; and (ii) divide by 10."

7. Add the following:

§ 954.11 *Market advisory committee*—(a) *Representation, selection, approval, and removal.* Subsequent to the effective date hereof, representatives of producers, handlers, and consumers may certify to the Secretary the selection of three individuals by each group for membership on the market advisory committee. Upon approval of the Secretary, the nine individuals so selected shall constitute the market advisory committee. Each member of the market advisory committee shall serve for a term of one year, unless sooner removed by the Secretary. After the market advisory committee has been constituted, vacancies in the membership thereof shall be

filled in the same manner as the original selections were made.

(b) *Powers.* The market advisory committee shall have the power to recommend to the Secretary amendments hereto originating within such committee or submitted to it by interested parties after a study of the facts available to the market advisory committee.*

Issued at Washington, D. C., this 28th day of January 1942, to become effective on and after the 1st day of February 1942. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 42-821; Filed, January 29, 1942;
11:23 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Regulations, Serial Number 203]

PART 20—PILOT CERTIFICATES

SPECIAL REGULATION CONTINUING EFFECTIVENESS OF CERTAIN PILOT CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 28th day of January, 1942.

Whereas § 20.33 of the Civil Air Regulations provides in part that a pilot certificate shall be of 60 days' duration and, unless the holder thereof is otherwise notified by the Administrator within such period, shall continue in effect indefinitely thereafter, unless suspended or revoked, except that it shall immediately expire at the end of each designated period after the date of issuance thereof if the holder of such certificate fails to secure an endorsement by an authorized inspector of the Administrator within the last 45 days of such period; and

It appearing that: The numerous additional duties placed upon the inspectors of the Administrator by the existing state of war and the greatly increased number of pilot certificates currently in effect will make it impossible for such inspectors to endorse within the period from January 28, 1942 to April 28, 1942, and prior to the expiration of their respective endorsement dates all pilots' certificates expiring within such period;

Now, therefore, the Civil Aeronautics Board, acting pursuant to sections 205 (a) and 602 of the Civil Aeronautics Act of 1938, as amended, makes and promulgates the following special regulation:

Notwithstanding the provisions of Part 20 of the Civil Air Regulations, all pilot certificates, the endorsement period of which would expire between January 28, 1942, and April 28, 1942, inclusive, other than lighter-than-air pilot certificates and certificates held by pilots engaged in scheduled air transportation, shall continue in effect and shall not require endorsement until 3 months after the date

upon which the endorsement period would otherwise expire.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-806; Filed, January 29, 1942;
10:20 a. m.]

CHAPTER II—ADMINISTRATOR OF CIVIL AERONAUTICS, DEPARTMENT OF COMMERCE

[Amendment No. 2 of Part 601]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

REDESIGNATION OF CERTAIN AIRWAY TRAFFIC CONTROL AREAS AND DELETION OF CERTAIN CONTROL ZONES OF INTERSECTION

JANUARY 26, 1942.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation of the Civil Aeronautics Board Serial No. 197 and finding that this action is necessary in the interest of safety and for the proper control of air traffic, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics which became effective January 15, 1942, as follows:

1. By amending § 601.1002 to read as follows:

§ 601.1002 *Green civil airway No. 2 airway traffic control areas (Seattle, Wash., to Boston, Mass.).* Those portions of green civil airway No. 2: From Boeing Field, Seattle, Wash., to a line extended at right angles across such airway through a point on the center line thereof 25 miles northwest of the Superior, Mont., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Miles City, Mont., radio range station, to the intersection of the center line of the on course signal of the east leg of the Detroit, Mich. (Wayne County Airport) radio range and the U. S.-Canadian Border; from the intersection of the center line of the on course signal of the west leg of the Buffalo, New York, radio range and the U. S.-Canadian Border, to the Municipal Airport, Boston, Mass.

2. By amending § 601.1004 to read as follows:

§ 601.1004 *Green civil airway No. 4 airway traffic control areas (Los Angeles, Calif., to Philadelphia, Pa.).* Those portions of green civil airway No. 4: From the Municipal Airport, Los Angeles, Calif., to a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Ashfork, Ariz., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles northeast of the Gage, Okla., radio range station,

* 7 F.R. 378, 529.

to the Municipal Airport, Philadelphia, Pa.

3. By amending § 601.1014 to read as follows:

§ 601.1014 *Amber civil airway No. 4 airway traffic control areas (Brownsville, Tex., to Bismarck, N. Dak.).* Those portions of amber civil airway No. 4: From the Municipal Airport, Brownsville, Tex., to a line extended at right angles across such airway through a point on the center line thereof 25 miles south of the Omaha, Nebr., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles north of the Sioux City, Iowa, radio range station to the Bismarck, N. Dak., radio range station.

4. By amending § 601.10205 to read as follows:

§ 601.10205 *Red civil airway No. 5 airway traffic control areas (Sioux Falls, S. Dak., to Minneapolis, Minn.).* All of red civil airway No. 5.

5. By amending § 601.10231 to read as follows:

§ 601.10231 *Red civil airway No. 31 airway traffic control area (Huron, S. Dak., to Minneapolis, Minn.).* All of red civil airway No. 31.

6. By amending § 601.10305 to read as follows:

§ 601.10305 *Blue civil airway No. 5 airway traffic control areas (Galveston, Tex., to Wichita, Kans.).* All of blue civil airway No. 5.

7. By amending § 601.10308 to read as follows:

§ 601.10308 *Blue civil airway No. 8 airway traffic control areas (Fargo, N. Dak., to U. S.-Canadian Border).* All of blue civil airway No. 8.

8. By amending § 601.10309 to read as follows:

§ 601.10309 *Blue civil airway No. 9 airway traffic control areas (Columbia, Mo., to La Crosse, Wis.).* Those portions of blue civil airway No. 9: From the Columbia, Mo., radio range station to a line extended at right angles across such airway through a point on the center line thereof 25 miles south of the Des Moines, Iowa, radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles north of the Des Moines, Iowa, radio range station to the La Crosse, Wis., radio range station.

9. By striking the following control zones of intersection appearing in § 601.2: Bismarck, N. Dak.; Fargo, N. Dak.; Huron, S. Dak.; La Crosse, Wis.; Minneapolis, Minn.; Sioux Falls, S. Dak.; Wichita, Kans.

This amendment shall become effective 00:01 C. S. T., February 1, 1942.

CHARLES I. STANTON,
Acting Administrator
of Civil Aeronautics.

[F. R. Doc. 42-805; Filed, January 29, 1942;
9:47 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

AMENDMENT OF RULES AND FORMS RELATING TO THE FILING OF ANNUAL REPORTS UNDER THE ACT BY INVESTMENT COMPANIES REGISTERED UNDER THE INVESTMENT COMPANY ACT OF 1940

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 13, 15 (d) and 23 (a) thereof (Sec. 13, 48 Stat. 894; 15 U.S.C. 78m; Sec. 15 (d), 48 Stat. 895; Sec. 3, 49 Stat. 1377; 15 U.S.C. 780; Sec. 23, 48 Stat. 901; Sec. 8, 49 Stat. 1379; 15 U.S.C. 78w), and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it by the said Act, hereby takes the following action:

I. Amendment of § 240.13a-2

(1) Subparagraph (g) of Section 240.13a-2 [Rule X-13A-2] under the caption "Form 15-K for incorporated investment companies" is amended to read as follows:

§ 240.13a-2 Forms for annual reports.

(g) *Form 15-K for incorporated investment companies.* This form is to be used for annual reports of corporations engaged either directly or through subsidiaries primarily in the business of investing and reinvesting or trading in securities for the purpose of revenue and for profit, and not in general for the purpose or with the effect of exercising control, except that this form shall not be used by any corporation for which Form N-30A-1 is prescribed.

(2) Section 240.13a-2 [Rule X-13A-2] is further amended by deleting paragraph (i) under the caption, "Form 17-K for unincorporated issuers engaged primarily in the business of investing or trading in securities."

(3) Section 240.13a-2 [Rule X-13A-2] is further amended by adding at the end of the section the following new paragraph:

§ 240.13a-2 Forms for annual reports.

(c) *Form N-30A-1 for management investment companies.* This form shall be used for annual reports of management investment companies registered under the Investment Company Act of 1940 (54 Stat. 789, et seq.; 15 U.S.C. 80a-1 to 53), except companies which issue periodic payment plan certificates or which are depositors or sponsors of companies issuing such certificates.

II. Amendment of § 240.15d-2

(1) Paragraph (b) of § 240.15d-2 [Rule X-15D-2] under the caption "Form 2-MD

for investment trusts having securities registered on Form C-1" is amended to read as follows:

§ 240.15d-2 Forms for annual reports of registrants under Securities Act of 1933.

(b) *Form 2-MD for investment trusts having securities registered on Form C-1.* This form is to be used for annual reports pursuant to section 15 (d) of the Securities Exchange Act of 1934 (Sec. 15, 48 Stat. 895; Sec. 3, 49 Stat. 1377; 15 U.S.C. 780) relating to securities of unincorporated investment trusts of the fixed or restricted management type having a depositor or sponsor but not having a board of directors or persons performing similar functions, except that this form shall not be used by any trust for which Form N-30A-1 is prescribed.

(2) Section 240.15d-2 [Rule X-15D-2] is further amended by adding at the end thereof the following new paragraph:

§ 240.15d-2 Forms for annual reports of registrants under Securities Act of 1933.

(c) *Form N-30A-1 for management investment companies.* This form shall be used for annual reports pursuant to section 15 (d) of the Securities Exchange Act of 1934 (Sec. 15, 48 Stat. 895; Sec. 3, 49 Stat. 1377; 15 U.S.C. 780) of management investment companies registered under the Investment Company Act of 1940 (54 Stat. 789, et seq.; 15 U.S.C. 80a-1 to 53), except companies which issue periodic payment plan certificates or which are depositors or sponsors of companies issuing such certificates.

Effective January 29, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-827; Filed, January 29, 1942; 11:58 a. m.]

PART 270—GENERAL RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940.

ADOPTION OF RULES AND FORM RELATING TO THE FILING OF ANNUAL REPORTS UNDER THE ACT BY REGISTERED INVESTMENT COMPANIES

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Investment Company Act of 1940, particularly sections 30 (a), 30 (b) (1), 30 (c), 38 (a) and 38 (b) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it by the said Act, hereby takes the following action:

Adoption of § 270.30a-2

§ 270.30a-2 *Form for annual report of registered investment companies.* The following form is hereby prescribed as the form for annual report which shall be filed by registered investment companies, pursuant to section 30 (a) of the Act

(Sec. 30 (a), 54 Stat. 836; 15 U.S.C. 80a-30):

Form N-30A-1 for registered management investment companies. This form shall be used by registered management investment companies except companies which issue periodic payment plan certificates or which are sponsors or depositors of companies issuing such certificates. (Sec. 30 (a), (b) (1) and (c), 54 Stat. 836; 15 U.S.C. 80a-30; Sec. 38 (a) and (b), 54 Stat. 841; 15 U.S.C. 80a-38) [Rule N-30A-2, effective January 29, 1942]

Adoption of § 270.30a-3

§ 270.30a-3 *Annual report for totally-held registered investment company subsidiary of registered investment company.* (a) Notwithstanding the provisions of § 270.30a-2 [Rule N-30A-2], a registered management investment company for which Form N-30A-1 is appropriate for annual reports and which is a totally-held subsidiary of a registered management investment company may file a statement in the form prescribed by paragraph (b) of this section in lieu of an annual report on Form N-30A-1, if the following conditions are met:

(1) The fiscal year of the subsidiary ends as of the same date as the fiscal year of the parent;

(2) The information required by Items 1 to 64, inclusive, of Form N-30A-1 with respect to the subsidiary is included in the annual report of the parent;

(3) All of the exhibits required by Form N-30A-1 with respect to the subsidiary are furnished with the parent's annual report;

(4) Financial statements for the subsidiary for the period required by Form N-30A-1 are included in the annual report of the parent, either on a consolidated or separate basis; and

(5) It is indicated on the facing page of the parent's annual report that such report is filed on behalf of itself and the subsidiary, naming the subsidiary.

(b) A totally-held registered investment company subsidiary which avails itself of the privilege accorded by this section shall file with the Commission in quadruplicate, within the time prescribed by § 270.30a-2 [Rule N-30A-2] for filing annual reports, a statement in the following form:

Pursuant to § 270.30a-3 [Rule N-30A-3], _____, a totally-held subsidiary of _____, a registered management investment company, hereby incorporates by reference as its annual report, pursuant to section 30 (a) of the Investment Company Act of 1940 (Sec. 30 (a), 54 Stat. 836; 15 U.S.C. 80a-30), all information and documents contained in the Annual Report on Form N-30A-1 (including any amendment thereto) filed by the latter company for the fiscal year ended _____.

(c) The statement required by paragraph (b), above, shall be filed under cover of the facing sheet of Form N-30A-1. At least one copy of the statement shall be signed in the manner prescribed by Form N-30A-1.

¹ Filed with the original document.

(d) For purposes of this section the term "totally-held subsidiary" has the same meaning as that set forth in instruction 4 of the Instructions for Form N-30A-1. (Sec. 30 (a), (b) and (c), 54 Stat. 836; 15 U.S.C. 80a-30; Sec. 38 (a) and (b), 54 Stat. 841; 15 U.S.C. 80a-38) [Rule N-30A-3, effective January 29, 1942]

By the Commission.

[SEAL] FRANCIS P. BRASSÓR,
Secretary.

[F. R. Doc. 42-828; Filed, January 29, 1942;
11:58 a. m.]

TITLE 29—LABOR

CHAPTER VI—NATIONAL WAR LABOR BOARD

[Administrative Regulation No. 1]

PART 801—ORGANIZATION

Whereas an Executive Order of the President, dated January 12, 1942, created the National War Labor Board and charged it with certain duties and conferred upon it the power to promulgate rules and regulations appropriate for the performance of its duties, and

Whereas at a duly held meeting of the Board a committee was appointed to consider and draft rules and regulations with respect to organization and procedure and such committee has made its report to the Board;

Now, therefore, by virtue of the authority vested in the National War Labor Board by Executive Order of the President dated January 12, 1942, it is hereby ordered that the following rules and regulations govern the organization of the Board.

Sec.

- 801.1 The discharge of the duties of the Board.
- 801.2 Meetings.
- 801.3 The Executive Sessions and Hearing Sessions of the Board.
- 801.4 Quorum.
- 801.5 Voting.
- 801.6 Division of the Board.
- 801.7 Decisions of the Board.
- 801.8 Associate Members.
- 801.9 Administrative Associate Member.
- 801.10 Executive Secretary.
- 801.11 Director of Statistical Information.
- 801.12 Mediators, investigators, examiners.
- 801.13 Special mediators, investigators and examiners.
- 801.14 Other necessary employees of the Board.
- 801.15 Committee on new cases.
- 801.16 Dockets.
- 801.17 Records and files.
- 801.18 Publication of official acts of the Board and press releases.

§ 801.1 *The discharge of the duties of the Board.* The Board at duly held meetings shall finally determine all disputes which fall within its jurisdiction in accordance with rules of procedure promulgated by the Board.*

§ 801.1 through 801.18, inclusive, issued under the authority contained in E.O. 9017, 7 F.R. 237.

§ 801.2 *Meetings.* The Board shall hold regular meetings beginning at ten o'clock in the morning on each Tues-

day. Special meetings will be upon call of the Chairman.*

§ 801.3 *The Executive Sessions and Hearing Sessions of the Board.* At its regular or special meetings the Board shall sit in Executive Session or Hearing Session as the Board may determine. At its executive sessions the Board shall consider such matters as relate to the carrying on of its affairs and dispose of cases which the Board determines do not require formal appearance before the Board by the parties. If the Board so determines a formal appearance of the parties will be had at a hearing session.*

§ 801.4 *Quorum.* Six members, including not less than two members from each of the groups represented on the Board, shall constitute a quorum of the Board. The word "members" as used in these rules and regulations, unless it otherwise appears from the context, means regular or alternate members.*

§ 801.5 *Voting.* Each member shall be entitled to one vote on any matter put to vote before the Board: *Provided, however,* That tripartite equality of voting shall be preserved. Vote shall be by roll call and a majority vote shall govern the decision of the Board.*

§ 801.6 *Division of the Board.* If the Board finds that it is necessary for expeditious disposal of its business, it may sit in divisions for hearings but not for decision.*

§ 801.7 *Decisions of the Board.* When the Board has decided any case, the Chairman may designate one of the members of the Board to write the decision of the Board. Such member shall have voted with the majority. The decision of such designated member shall be the decision of the Board and shall be published as such. Any other member of the Board may write an opinion either agreeing or disagreeing with the decision of the Board, and such opinion shall be published simultaneously with the decision of the Board.*

§ 801.8 *Associate Members.* The Associate Members of the Board shall be eight representatives of the public, eight representatives of employers and eight representatives of employees. The Chairman may refer any case to one or more Associate Members who shall proceed to mediate it in accordance with the rules of procedure prescribed by the Board; provided that when there are Associate Members representative of employers and employees on any panel so designated they shall be equal in number.*

§ 801.9 *Administrative Associate Member.* One associate member shall be designated Administrative Associate Member. Such member shall maintain offices in space allocated to the Board and shall be charged with the duty of correlating the mediation of various cases referred to Associate Members or other persons for the purpose of mediation or investigation and shall be prepared at all times to inform the Board with respect to the status of any particular case.*

§ 801.10 *Executive Secretary.* With the advice and consent of the Board the Chairman shall appoint an Executive Secretary of the Board who shall be charged with the duty of maintaining

the dockets and records of the Board and performing such other duties as are secretarial in their nature. The Executive Secretary shall procure a seal for the Board and shall be the custodian of the same.*

§ 801.11 *Director of Statistical Information.* With the advice and consent of the Board the Chairman shall appoint a Director of Statistical Information who shall be charged with the duty, under the direction of the Vice Chairman, of assembling and correlating such statistical data as may be pertinent to cases before the Board. In the discharge of his duties such director shall utilize as far as practicable the available facilities and personnel of other government agencies.*

§ 801.12 *Mediators, investigators, examiners.* With the advice and consent of the Board the Chairman may appoint as regular employees of the Board mediators, investigators and examiners who shall perform such duties as from time to time may be necessary to expedite the handling of cases before the Board. Insofar as practicable the Chairman shall arrange for the loan of personnel from other agencies of the Government who are especially qualified to act as investigators or examiners.*

§ 801.13 *Special mediators, investigators and examiners.* Whenever the Board finds that for expedition of its work it is necessary or desirable to do so, the Chairman with the advice and consent of the Board may designate a special mediator, investigator, or examiner in any particular case.*

§ 801.14 *Other necessary employees of the Board.* Within the limits of the funds allocated to the Board by the Bureau of the Budget, the Chairman of the Board may appoint such other employees as are necessary to carry on the clerical and other administrative work of the Board.*

§ 801.15 *Committee on new cases.* The Board shall appoint a committee of six of its members as a standing committee on new cases. Two of such members shall be public members of the Board, two shall be members representative of employers, and two shall be members representative of employees. Three members including one member from each of the groups represented on the Board shall constitute a quorum of the committee. Whenever any member of the committee is unable to attend any meeting of the committee he may designate an alternate to sit in his stead. Upon failure of any member to designate an alternate to sit in his stead, the Chairman may designate such alternate. Each member of the committee shall be entitled to one vote on any matter put to vote before the committee: *Provided, however,* That tripartite equality of voting shall be preserved. The decisions of the committee shall be by majority vote. The Administrative Associate Member shall attend the meetings of the committee but shall not be entitled to vote.*

§ 801.16 *Dockets.* The Executive Secretary shall keep a pending Case Docket, a Mediation Docket, a Board Docket and a Hearing Docket.*

§ 801.17 *Records and files.* The records and files of the Board shall be in the custody of the Executive Secretary of the

Board and shall be kept in appropriate place in the space allocated to the Board at Washington, D. C. The Secretary shall formulate a system for keeping the files so that they will be readily accessible to the Board.*

§ 801.18 *Publication of official acts of the Board and press releases.* All administrative regulations of the Board shall be published in the FEDERAL REGISTER and all decisions of the Board and opinions as provided in paragraph 7—"The Board" shall be published in some appropriate publication designated by the Board.*

Dated: January 22, 1942.

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-816; Filed, January 29, 1942;
11:18 a. m.]

[Administrative Regulation No. 2]

PART 802—RULES OF PROCEDURE

Whereas an Executive Order of the President dated January 12, 1942, created the National War Labor Board, and charged it with certain duties and conferred upon it the power to promulgate rules and regulations appropriate for the performance of its duties, and

Whereas at a duly held meeting of the Board a committee was appointed to consider and draft rules and regulations with respect to organization and procedure, and such committee has made its report to the Board;

Now, therefore, by virtue of authority vested in the National War Labor Board by Executive Order of the President dated January 12, 1942, it is hereby ordered that the following rules and regulations govern the procedure of the Board.

Sec.

- 802.1 New Case Docket.
- 802.2 Notice of jurisdiction.
- 802.3 Procedure of Standing Committee on New Cases.
- 802.4 Notice to the parties.
- 802.5 Appointment of mediators.
- 802.6 Statement of position by the parties.
- 802.7 Reference to voluntary arbitration.
- 802.8 Report by mediators to the Board.
- 802.9 Executive Sessions.
- 802.10 Hearings before the Board.

§ 802.1 *New Case Docket.* Whenever any case is certified to the Board, or whenever the Board assumes jurisdiction of any case on its own motion, the Executive Secretary shall place such case on the New Case Docket. Unless otherwise determined by the Standing Committee on New Cases, the cases shall be put on the New Case Docket in the order of the time of certification or assumption of jurisdiction.*

*§§ 802.1 through 802.10, inclusive, issued under the authority contained in E.O. 9017, 7 F.R. 237.

§ 802.2 *Notice of jurisdiction.* Whenever any case is put on the New Case Docket, the Executive Secretary shall notify the parties and shall keep the parties advised of the procedure to be followed, and in the event that there is a strike or lockout in progress at the time such notice shall contain a request that the strike or lockout be discontinued and that the parties restore the status quo existing before the strike or lockout oc-

curred or the dispute arose, pending the determination of the case by the Board.*

§ 802.3 *Procedure of Standing Committee on New Cases.* All new cases shall be put on the New Case Docket and be referred immediately to the Standing Committee on New Cases which shall consider the case and dispose of it in accordance with the following rules and principles:

(a) If the Committee is in doubt as to the power of the Board to dispose of the case under the Executive Order of the President, it shall refer the case to the next meeting of the Board.

(b) If the Committee finds that the dispute is one for which procedures for adjustment or settlement are otherwise provided and those procedures have not been exhausted; or that direct collective bargaining has not been resorted to; or that procedures provided in a collective bargaining agreement have not been resorted to, or that the services of the Commissioners of Conciliation of the Department of Labor have not been used, it shall refer the case to the next meeting of the Board.

(c) If the Committee finds that the case is one in which the Board has power to act, and that the parties have exhausted all the existing procedures for settling the dispute and that such dispute might be settled by mediation, it shall recommend to the Board that the dispute be put on the Mediation Docket.

(d) If the Committee finds that the dispute is of such a nature that mediation would not be appropriate, the Committee shall recommend to the Board that the case be put on the Board Docket.

(e) If the Committee finds from the character of the dispute that it will be necessary to conduct investigations or examinations prior to either the mediation of the dispute or the consideration of the dispute by the Board, the Committee shall recommend to the Chairman the designation of an investigator or examiner to investigate the dispute and report to the Board.*

§ 802.4 *Notice to the parties.* Whenever any case is placed on the Mediation Docket or the Board Docket or Board Hearing Docket, the Executive Secretary shall notify the parties of the time and place of the mediation or hearing before the Board.*

§ 802.5 *Appointment of mediators.* The usual procedure of the Board in mediation shall be mediation by tripartite panels designated by the Chairman from the Associate Members. The Chairman may, however, appoint one or more mediators without regard to this rule in any case where the parties have agreed. On any tri-partite mediation panel the representatives of employers and employees shall be equal.*

§ 802.6 *Statement of position by the parties.* The parties to a dispute which has been set for mediation shall prepare a brief and concise statement in writing of their position. Such statement should where practicable be submitted to the Executive Secretary of the Board, at least three (3) days in advance of the date set for the mediation.*

§ 802.7 *Reference to voluntary arbitration.* If settlement of the dispute is

not brought about by mediation the mediators shall try to induce the parties to submit the dispute to arbitration either by an arbiter of their own choosing or by an arbiter selected in some manner that is agreeable to the parties.*

§ 802.8 *Report by mediators to the Board.* If the mediator or mediators are unable to settle any dispute by agreement or voluntary arbitration, a report shall be made to the Board setting forth findings of facts and recommendations for settlement of the dispute. Such report shall be transmitted to the Executive Secretary who shall thereupon transfer such case to the Board Docket.*

§ 802.9 *Executive sessions.* At an Executive Session of the Board, the Board shall consider in order all cases on the Board Docket and shall dispose of them in accordance with the following principles:

(a) If the Board approves the findings and recommendations of the mediators or mediator, it shall thereupon render a decision of the Board based upon such findings and recommendations.

(b) If the Board determines that it is necessary to make further investigation of facts with respect to any particular case, it shall recommend to the Chairman that an investigator or examiner be designated to make such investigation and report to the Board.

(c) If the Board determines that the case is of such character that it is desirable to have the parties to the dispute appear before the Board, it shall place such case upon the Hearing Docket of the Board.*

§ 802.10 *Hearings before the Board.* The Board shall consider all cases put upon the Hearing Docket at Hearing Sessions. In the oral presentation of the case to the Board the parties shall be allowed an equal amount of time, not exceeding forty-five (45) minutes, unless the Board determines in advance that a longer time is necessary.*

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-817; Filed, January 29, 1942;
11:18 a. m.]

TITLE 31—MONEY AND FINANCE:
TREASURY

CHAPTER II—FISCAL SERVICE

PART 207—SETTLEMENTS BY THE TREASURER OF THE UNITED STATES, IN ADVANCE OF RECLAMATION, WITH PAYEES OR SPECIAL ENDORSEES OF LOST OR STOLEN CHECKS, WHICH HAVE BEEN PAID ON FORGED ENDORSEMENTS*

[1942 Department Circular No. 678]

Sec.

- 207.0 Authority for regulations.
- 207.1 Check forgery insurance fund account.
- 207.2 Settlement of claim.
- 207.3 Deposit of amounts received by way of reclamation.
- 207.4 Time limitation with respect to presentation of claims.

JANUARY 23, 1942.

§ 207.0 *Authority for regulations.* The regulations in this part are prescribed

and issued pursuant to the authority granted by section 4 of the Act of November 21, 1941 (Public No. 310, 77th Congress), "To authorize the Treasurer of the United States to make settlements with payees of lost or stolen checks, which have been paid on forged indorsements, in advance of reclamation, and for other purposes."*

* §§ 207.0 to 207.4, inclusive, issued under the authority contained in the Act of November 21, 1941 (Public No. 310, 77th Congress)

§ 207.1 *Check forgery insurance fund account.* The Treasurer of the United States is hereby directed to establish a special account in which shall be deposited (a) all sums appropriated pursuant to the authorizations contained in the above Act, and (b) amounts received by the Treasurer by way of reclamation, as hereinafter provided. The account shall be designated:

Treasurer of the United States Check Forgery Insurance Fund (Revolving Fund) Symbol Number -----

§ 207.2 *Settlement of claim.* The Treasurer is authorized to make a settlement in favor of a payee or a special endorsee and to issue a check to him, when the facts in the case establish:

(a) That a claim has been received from the payee or a special endorsee in which it is alleged that the check was lost or stolen without fault of the claimant, that the check was negotiated and paid on a forged indorsement of the claimant and that the claimant did not participate directly or indirectly in its proceeds.

(b) That the report of the investigation of the forgery, submitted by or approved by the Secret Service Division, or submitted by the State Department, or by any governmental officer authorized by law or regulation to conduct such an investigation, substantiates the allegations of the claimant, as set forth in paragraph (a) of this section.

(c) That reclamation has been or may be delayed more than ten days, or be unsuccessful.

(d) That the proper administrative office has advised that no overpayment exists in the account of the payee when the payee is the claimant.*

§ 207.3 *Deposit of amounts received by way of reclamation.* Amounts received by the Treasurer of the United States on said checks shall be deposited to the credit of the Check Forgery Insurance Fund (Revolving Fund), to the extent that such amounts are necessary to reimburse the fund for payments made to payees or special endorsees.*

§ 207.4 *Time limitation with respect to presentment of claims.* No claim for settlement in favor of a payee or a special endorsee shall be considered unless such claim is received within six years after the date of issuance of the check in question.*

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-802; Filed, January 28, 1942; 4:27 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER C—BOARD OF ECONOMIC WARFARE

[Administrative Order No. 3]

REVOCATION OF ADMINISTRATIVE ORDER NO. 2

Administrative Order No. 2,¹ Economic Defense Board, dated October 18, 1941, "Controlling Certain Exports", is hereby revoked.

MILO PERKINS,
Executive Director.

JANUARY 27, 1942.

[F. R. Doc. 42-800; Filed, January 28, 1942; 1:43 p. m.]

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 1047—PETROLEUM

Conservation of Production Material for the Oil Industry—Amendment No. 2 to Conservation Order M-68²

Section 1047.1 [Amendment No. 1 to Conservation Order M-68, paragraph (c) (9)] is hereby amended to read as follows:

§ 1047.1 Conservation Order M-68.

(c) Exceptions.

(9) To any case where Material is to be used by an Operator to complete or provide surface connections for any well in any discovered or undiscovered oil or gas field or Condensate Field where such well has actually been "spudded" on or before December 23, 1941, and to any case where Material is to be used by an Operator to drill, complete, or provide surface connections for any well in any discovered or undiscovered gas field in the States of Kentucky, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, or West Virginia where such well had actually been "spudded" or where operations at a determined location had commenced on or before December 23, 1941 and had been suspended on or before January 16, 1942.

This amendment shall take effect immediately. (E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; Sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 28th day of January 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-801; Filed, January 28, 1942; 2:21 p. m.]

¹ 6 F.R. 5332.

² 6 F.R. 6687, 7 F.R. 281.

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1303—ZINC

PRICE SCHEDULE NO. 81—PRIMARY SLAB ZINC

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises and price dislocations, has determined that the establishment of maximum prices for primary slab zinc is essential in order to accomplish these purposes and is in the interest of national defense and the national welfare.

The present supply of zinc does not suffice to meet both military and essential civilian needs. The combination of increased demand and insufficient supply threatens the stability of the price of zinc, any increase in which is reflected in the cost of the war effort and tends to contribute to an inflationary spiral. Primary producers, recognizing the importance of these factors to the national welfare, have cooperated with the Office of Price Administration in preventing increases in slab zinc prices charged by them. However, because of the stringency of the supply situation, zinc sales have taken place during recent months at prices considerably in excess of those approved by the Office of Price Administration.

After careful investigation and consultation, it has been determined that the maximum prices set forth herein are fair and reasonable.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1303.51 *Maximum prices on sales of primary slab zinc.* On and after January 29, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer primary slab zinc, and no person shall buy, offer to buy, or accept delivery of primary slab zinc, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1303.59: *Provided, however,* That sales of primary slab zinc, resulting from production in excess of any quota established by the War Production Board and the Office of Price Administration, made to Metals Reserve Company shall be excepted from the terms of this Schedule.*

* §§ 1303.51 to 1303.59, inclusive, issued pursuant to the authority contained in E.O. Nos. 8734, 8875; 6 F.R. 1917, 4483.

§ 1303.52 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1303.53 *Evasion.* (a) The Price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of primary slab zinc, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying—

agreement or other trade understanding, or otherwise.

(b) Any purchase, sale, delivery or transfer of primary slab zinc in quantities less than requested by the buyer in order to enable the seller to obtain a higher less-than-carload-lot differential shall be considered to be an evasion of this Schedule, *Provided*, That the buyer is willing to accept delivery of the requested quantity in a single shipment.

(c) (1) Any agreement or transaction entered into after January 29, 1942, in connection with which any ore or other material containing zinc is processed or treated on toll to obtain primary slab zinc therefrom shall be considered to be an evasion of this Schedule unless such agreement or transaction has first been approved in writing by the Office of Price Administration.

(2) Any such agreement entered into on or before January 29, 1942, and not completed on that date, may be completed at contract prices provided that

(i) full details of such agreement, and such other pertinent information as may be requested, are reported by each party thereto to the Office of Price Administration on or before February 28, 1942, and (ii) such agreement shall be completed on or before April 1, 1942, or such later date as may be permitted upon application made to the Office of Price Administration.*

§ 1303.54 *Records and reports.* Every person making purchases or sales of primary slab zinc after January 28, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity in pounds or tons of each kind or grade purchased or sold; and (b) the quantity in pounds or tons of primary slab zinc (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1303.55 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule, which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Per-

sons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of primary slab zinc, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1303.56 *Modification of the Price Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule and all other Schedules issued by the Office of Price Administration.*

§ 1303.57 *Definitions.* When used in this Schedule, the term:

(a) "On toll" means under an arrangement whereby a servicing charge is paid for processing or servicing ore or other material containing zinc;

(b) "Person" means an individual, partnership, association, corporation, or other business entity;

(c) "Point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but, where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment;

(d) "Primary slab zinc" means the kinds and grades of primary slab zinc set forth in Appendix A, § 1303.59, of this Schedule; and

(e) "Producer" means any person who produces slab zinc from ore or concentrates, even though other material is mixed therewith.*

§ 1303.58 *Effective date of the Schedule.* This Schedule shall become effective January 29, 1942.*

§ 1303.59, Appendix A; maximum prices for primary slab zinc.

(a) *Base prices.*

Grade	Base price, per pound
Prime Western.....	8.25 cents
Selected.....	8.35 cents
Brass Special.....	8.50 cents
Intermediate.....	8.75 cents
High Grade.....	9.25 cents
Special High Grade.....	9.25 cents

(b) *Sold or shipped, delivered, or carried away in carload lots.* The term "Base Price" referred to in this section means the price listed in paragraph (a) of this section for the respective grade of slab zinc.

Grade	Maximum price, per pound (delivered, buyer's receiving point)
Prime Western.....	Base Price plus carload freight from E. St. Louis to buyer's receiving point.
Selected.....	Base Price plus carload freight from E. St. Louis to buyer's receiving point.
Brass Special.....	Base Price plus carload freight from E. St. Louis to buyer's receiving point.
Intermediate.....	Base Price plus carload freight from E. St. Louis to buyer's receiving point.
High Grade.....	Base Price.
Special High Grade.....	Base Price.

(c) *Sold and shipped, delivered or carried away in less than carload lots.* The term "base price" referred to in this section means the price listed in paragraph (a) of this section for the respective grade of slab zinc.

(1) *Sales by producers of primary slab zinc.*

For sales in lots of:	Maximum price per pound (f. o. b. point of shipment)	
	Prime western selected brass special intermediate	High grade special high grade
20,000 lbs. and less than a carload.....	Base price plus .15¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .15¢.
10,000 lbs. and less than 20,000 lbs.....	Base price plus .25¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .25¢.
2,000 lbs. and less than 10,000 lbs.....	Base price plus .40¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .40¢.
Less than 2,000 lbs.....	Base price plus .50¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .50¢.

(2) *Sales by all persons except producers.*

For sales in lots of:	Maximum price per pound (f. o. b. point of shipment)	
	Prime western selected brass special intermediate	High grade special high grade
20,000 lbs. and less than a carload.....	Base price plus .65¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .65¢.
10,000 lbs. and less than 20,000 lbs.....	Base price plus .75¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .75¢.
2,000 lbs. and less than 10,000 lbs.....	Base price plus 1.00¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus 1.00¢.
Less than 2,000 lbs.....	Base price plus 1.50¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus 1.50¢.

(d) *Export sales.* Persons desiring to make sales of primary slab zinc for export to foreign countries at prices in excess of the maximum prices established by this Schedule shall file with the Office of Price Administration prior to the execution of such sales complete and accu-

rate records of the name and address of the purchaser, the quantity, in pounds or tons, on order, the grade or grades ordered, the price or prices to be paid, the terms of shipment, the date of shipment, from whom said zinc has been purchased and the price paid therefor, the

export commission desired, and all other relevant factors.

(e) *Specifications.* The above grades of primary slab zinc are to be determined in accordance with the following specifications of the *American Society for Testing Materials*, which provide that the zinc be made from ore or other material by a process of distillation, or by electrolysis, and not produced by "sweating" or remelting of secondary zinc, in six grades as follows:

Maximum impurities—percent

Grade	Lead	Iron	Cadmium	Total not over
Special High Grade ¹	0.007	0.005	0.005	0.010
High Grade	0.07	0.02	0.07	0.10
Intermediate	0.20	0.03	0.50	0.50
Brass Special	0.60	0.03	0.50	1.00
Selected	0.80	0.04	0.75	1.25
Prime Western	1.80	0.08		

¹ It shall be free from aluminum.

Primary slab zinc which fails to meet such standards should be sold at normal differentials below the established maximum prices. When, however, a producer makes primary slab zinc to conform with individual specifications, other than those set forth above, required by an individual customer or customers, such producer shall submit to the Office of Price Administration, not later than March 1, 1942, for determination of the maximum price that may be charged in each particular instance, complete and accurate records of the name and address of the buyer, the required specifications, the quantity, in pounds or tons, on order, and all other information that may be requested by the Office of Price Administration in determining said maximum price.

(f) *Terms of Sale.* The maximum prices set forth in paragraph (c) of this section are f. o. b. point of shipment. Primary slab zinc may, however, be sold, offered for sale, delivered, or transferred in less than carload lots at prices delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by this Schedule, in all price quotations (1) the transportation charge must be shown as a separate item and (2) the price f. o. b. point of shipment, obtained by subtracting the transportation charge from the total delivered price, must not exceed the maximum f. o. b. point of shipment price set forth in this Schedule.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in this Schedule, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, ware-

house, or yard, but, where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

Issued this 28th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-824; Filed, January 29, 1942;
11:47 a. m.]

PART 1347—PAPER AND PAPER PRODUCTS

AMENDMENT NO. 5 TO PRICE SCHEDULE NO. 32—PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

Section 1347.64, Appendix D, is hereby amended to read as follows:

§ 1347.64 *Appendix D: wholesale distributor allowance.* In the event that a purchaser of paperboard shall purchase from a wholesale distributor, as defined in § 1347.59 (j) hereof, paperboard owned by such wholesale distributor but not manufactured by him, and

(a) If sale of the same type and quantity of paperboard has been made to the same or a similar purchaser in the period between October 1, 1940 and September 30, 1941, inclusive, such purchaser may pay such wholesale distributor and such wholesale distributor may charge such purchaser, not more than the maximum price established by Appendices A, B, or C of this Schedule for the type and quantity of paperboard sold plus a wholesale distributor's allowance not to exceed the regular allowance customarily charged by the wholesale distributor to the same or a similar purchaser for the type of sale and paperboard involved in the period between October 1, 1940, and September 30, 1941, inclusive.

(b) If sale of the same type and quantity of paperboard has not been made to the same or a similar purchaser in the period between October 1, 1940, and September 30, 1941, inclusive, application must be made to the Office of Price Administration for approval of the wholesale distributor's allowance prior to the issuance of any invoice. When submitting such allowance for approval, the wholesale distributor shall submit under oath all relevant facts, including:

(1) The length of time that the wholesale distributor has been engaged in the purchase and resale of the products of other producers or converters of paper, paper products, or paperboard;

(2) The average monthly gross sales of all paper or paperboard during the period October 1, 1940, to September 30, 1941, inclusive;

(3) A full description of the type of paperboard to be sold, including name and location of producer and cost per ton to the applicant;

(4) The amount of paperboard in tons covered by the sale in question;

(5) The amount of the total sale involved in dollars;

* 6 F.R. 5012, 5699, 6799, 6802, 5073.

(6) The wholesale distributor's allowance per ton received by the applicant in three or more sales of similar paperboard, setting forth the tonnages sold, cost to applicant, and sale price;

(7) Whether the particular paperboard is sold from the applicant's warehouse, or direct from the producer; and

(8) The name and location of purchaser, and information concerning previous sales to such person, including wholesale distributor's allowance, if any. (Executive Orders Nos. 8734, 8875; 6 F.R. 1917, 4483)

This amendment No. 5 shall become effective January 30, 1942. Issued this 29th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-823; Filed, January 29, 1942;
11:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER III—BUREAU OF MARINE INSPECTION AND NAVIGATION

PART 304—TOWING OF BARGES

[Order No. 206]

JANUARY 28, 1942.

Paragraph (a) of § 304.10 (*Accidents sustained or caused by barges in tow*) is amended by the addition at the end thereof of the following proviso:

§ 304.10 *Accidents sustained or caused by barges in tow.* (a) * * * *Provided*, That, during the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties shall be handled with caution, and the above-mentioned reports shall not be made by radio or by telegram. (R.S. 161, Sec. 2, 23 Stat. 118, Sec. 15, 38 Stat. 1184; 5 U.S.C. 22, 46 U.S.C. 2, 33 U.S.C. 365)

[SEAL] ROBERT H. HINCKLEY,
Acting Secretary of Commerce.

[F. R. Doc. 42-804; Filed, January 28, 1942;
4:43 p. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

[Order No. 206]

PART 1—DOCUMENTATION OF VESSELS

Paragraph (f) of § 1.38 (*Report of casualty to vessel*) is amended by the addition at the end thereof of the following proviso:

§ 1.38 *Report of casualty to vessel.*

(f) * * * *Provided*, That, during the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties shall be handled with caution,

and the above-mentioned reports shall not be made by radio or by telegram. (R.S. 4450, as amended by Sec. 4 (a), (b), (j) 49 Stat. 1381, 1382, 1383; 46 U.S.C. 239 (a), (b), (j)).

SUBCHAPTER K—SEAMEN

PART 136—"A" MARINE INVESTIGATION BOARD RULES

Section 136.3 (*Notice of marine casualty or accident*) is amended by the addition at the end thereof of the following proviso:

§ 136.3 *Notice of marine casualty or accident.* * * * *Provided*, That, during the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties shall be handled with caution, and the above-mentioned reports shall not be made by radio or by telegram. (R.S. 4450, as amended by Sec. 4 (a), (j) 49 Stat. 1381, 1383; 46 U.S.C. 239 (a), (j).)

PART 137—"B" AND "C" MARINE INVESTIGATION BOARD RULES

Section 137.3 (*Notice of marine casualty or accident*) is amended by the addition at the end thereof of the following proviso:

§ 137.3 *Notice of marine casualty or accident.* * * * *Provided*, That, during the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties shall be handled with caution, and the above-mentioned reports shall not be made by radio or by telegram. (R.S. 4450, as amended by Sec. 4 (b), (j) 49 Stat. 1382, 1383; 46 U.S.C. 239 (b), (j).)

[SEAL] ROBERT H. HINCKLEY,
Acting Secretary of Commerce.

[F. R. Doc. 42-804; Filed, January 28, 1942;
4:43 p. m.]

SUBCHAPTER E—LOAD LINES

[Order No. 205]

PART 43—FOREIGN OR COASTWISE VOYAGE

JANUARY 28, 1942.

Section 43.27 (*Connections to sides of vessels below the freeboard deck*) is amended to read as follows:

§ 43.27 *Connections to sides of vessels below the freeboard deck.* Discharges led through the vessel's sides from spaces below the freeboard deck are to be fitted with sufficient and accessible means for preventing water from passing inboard. Each separate discharge may have an automatic nonreturn valve with a positive means of closing it from a position above the freeboard deck, or two automatic nonreturn valves without positive means of closing, provided the upper valve is situated so that it is always accessible for examination under service conditions. The positive-action valve is to be readily accessible and is to be provided with means for showing whether the valve is open or closed.

Conditional upon the type and the location of the inboard ends of such openings, similar provisions may be prescribed by the assigning authority as to discharge from spaces within inclosed superstructures.

Where scuppers are fitted in superstructures not fitted with class 1 closing appliances they are to have efficient means for preventing the accidental admission of water below the freeboard deck.

On vessels whose keels are laid on or after June 15, 1941, cast iron is not to be used for any connection to the vessel's sides if located below the freeboard deck, nor are cast iron valves to be secured to sea chests.

Vessels constructed with cast iron valves and cast iron sea chests, where it is not practicable to replace the cast iron with more ductile material, reinforcing with concrete or other approved material in conjunction with structural bracing will be fitted in a manner satisfactory to the Bureau of Marine Inspection and Navigation. (Sec. 2, 45 Stat. 1493, 46 U.S.C., Sup. 85a; Art. 1, 47 Stat. 2238; sec. 2, 49 Stat. 888, 46 U.S.C., Sup. 88a)

[SEAL] ROBERT H. HINCKLEY,
Acting Secretary of Commerce.

[F. R. Doc. 42-803; Filed, January 28, 1942;
4:43 p. m.]

SUBCHAPTER O—REGULATIONS APPLICABLE TO CERTAIN VESSELS AND SHIPPING DURING EMERGENCY

[Order No. 207]

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY

Emergency Regulations—Amendments

Pursuant to the authority of R. S. 4405, as amended (46 U.S.C. 375), the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, convened in the conference room, No. 1851, Department of Commerce, Washington, D. C., on January 21, 1942, at which session, after public hearings, the following regulations and amendments were adopted:

Section 153.2 is amended to read as follows:

§ 153.2 *Additional lifesaving equipment on ocean and coastwise vessels.* Ocean and coastwise vessels shall, during the emergency, be provided with additional lifesaving appliances as follows:

(a) *Passenger vessels*—(1) *Life rafts.* Every such passenger vessel shall be equipped with a sufficient number of approved life rafts to accommodate at least 25 percent of all persons on board, in addition to the lifeboats and buoyant apparatus required by Subchapter G of this chapter. Such rafts shall be of not less than 15-person capacity each. (This requirement shall be complied with as early as practicable but in no case later than March 1, 1942.)

(2) *Life preservers.* Every such passenger vessel shall, in addition to having on board a life preserver for each person allowed to be carried, be provided with

life preservers stowed on the boat deck for at least 25 percent of the total number of such persons. These life preservers shall be stowed in chests so as to be readily accessible and in such a manner as to float free of the vessel. The covers of the chests shall be of the "lift-off" type to insure release of the life preservers. (Effective immediately.)

(b) *Cargo vessels and tank ships*—(1) *Lifeboats and rafts.* Such cargo vessels and tank ships shall carry a sufficient number of lifeboats on each side to accommodate all persons on board: *Provided*, That where the number of persons permitted by the Certificate of Inspection is augmented by the addition of Naval personnel for the purpose of protection or observation additional lifeboat capacity will not be required. Every such cargo vessel and tank ship shall, in addition to the lifeboatage required, be equipped with sufficient approved life rafts to accommodate all persons on board. Each such life raft shall not have a greater capacity than 20 persons nor less capacity than 15 persons. The minimum number of life rafts to be furnished such vessels operating on routes exceeding 200 miles offshore shall be four. (This requirement shall be complied with as early as practicable, but in no case later than March 1, 1942.)

(2) *Life preservers.* Every such cargo vessel and tank ship shall, in addition to having a life preserver for each person allowed to be carried, be provided with life preservers stowed on the boat deck for at least 25 percent of the total number of such persons. These life preservers shall be stowed in chests so as to be readily accessible and in such manner as to float free of the vessel. The covers of the chests shall be of the "lift-off" type to insure release of the life preservers. (Effective immediately.)

(3) *Ladders.* Every such cargo vessel and tank ship shall be provided with suitable ladders to enable persons to descend to lifeboats and life rafts, one such ladder to be provided for each set of boat davits. These ladders shall be kept ready and convenient for use on the boat deck and shall reach to the vessel's light load water line. (This requirement shall be complied with as early as practicable but in no case later than March 1, 1942.)

(c) *Towing vessels, manned barges, and miscellaneous craft*—(1) *Life rafts.* Such towing vessels, manned barges, and miscellaneous craft shall carry sufficient lifeboats to accommodate all persons on board, and every such towing vessel, manned barge, and miscellaneous craft shall, in addition to the lifeboatage required, be equipped with sufficient approved life rafts to accommodate all persons on board. Each such life raft shall not have a greater capacity than 15 persons nor a less capacity than 5 persons. (This requirement shall be complied with as early as practicable, but in no case later than March 1, 1942.)

(2) *Life preservers.* Every such towing vessel, manned barge, and miscellaneous craft shall, in addition to having a life preserver for each person allowed to be carried, be provided with life preservers stowed on the boat deck, or up-

permost deck, for at least 25 percent of the total number of such persons. These life preservers shall be stowed in chests so as to be readily accessible and in such a manner as to float free of the vessel. The covers of the chests shall be of the "lift-off" type to insure release of the life preservers. (Effective immediately.) (R.S. 4405, 4417, 4417a, 4426, 4488, as amended, secs. 10 and 11 of 35 Stat. 428, 49 Stat. 1544; 46 U.S.C. and Sup. 375, 391, 391a, 404, 481, 395, 396, 367)

The headnote of § 153.7 is amended to read as follows:

§ 153.7 *Additional equipment for life rafts on ocean and coastwise vessels.*
* * * (R.S. 4405, 4417, 4417a, 4426, 4488, as amended, secs. 10 and 11 of 35 Stat. 428, 49 Stat. 1544; 46 U.S.C. and Sup. 375, 391, 391a, 404, 481, 395, 396, 367)

BOARD OF SUPERVISING

INSPECTORS,

R. S. FIELD,

Director, Chairman.

CHARLES M. LYONS,

U. S. Supervising Inspector,
1st District, Boston, Mass.

GEORGE FRIED,

U. S. Supervising Inspector,
2nd District, New York, N. Y.

EUGENE CARLSON,

U. S. Supervising Inspector,
3rd District, Norfolk, Va.

JOHN F. OETTL,

U. S. Supervising Inspector,
4th District, New Orleans, La.

R. E. COOMBS,

U. S. Supervising Inspector,
5th District, Pittsburgh, Pa.

EARL B. HULL,

U. S. Supervising Inspector,
6th District, Cleveland, Ohio.

WILLIAM FISHER,

U. S. Supervising Inspector,
7th District, San Francisco, Calif.

Approved: January 29, 1942.

ROBERT H. HINCKLEY,

Acting Secretary of Commerce.

[F. R. Doc. 42-807; Filed, January 29, 1942;
10:41 a. m.]

TITLE 49—TRANSPORTATION AND
RAILROADS

CHAPTER I—INTERSTATE COM-
MERCE COMMISSION

PART 10—STEAM ROADS: UNIFORM SYSTEM
OF ACCOUNTS

NOTE: An order of the Interstate Commerce Commission modifying the Classifications of Investment in Road and Equipment; Operating Revenues and Operating Expenses; and Income, Profit and Loss and General Balance Sheet Accounts, for Steam Roads, dated January 19, 1942, effective January 1, 1942, was filed with the Division of the Federal Register, January 29, 1942, at 11:27 a. m., F.R. Doc. No. 42-822. Requests for copies may be addressed to the Interstate Commerce Commission.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1266]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF A PROVISION IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11, FOR ALL SHIPMENTS EXCEPT TRUCK, PERMITTING THE ABSORPTION OF THE ES&N RAILWAY SWITCHING CHARGE APPLICABLE ON SHIPMENTS FROM THE STAR HILL NO. 2 MINE (MINE INDEX NO. 81) OF THE BOONVILLE COAL SALES CORPORATION, A CODE MEMBER IN DISTRICT NO. 11

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 3, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 26, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters

necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 11 requesting a temporary and final order modifying the Schedule of Effective Minimum Prices for District No. 11, For All Shipments Except Truck, by establishing a provision granting permission to the Star Hill No. 2 Mine (Mine Index No. 81) of Boonville Coal Sales Corporation to absorb the ES&N Railway switching charge of \$8.80 per car applicable on (1) shipments from Mine Index No. 81 to all destinations except those located on or reached via the C&E, CI&L, CCC&StL, IC, and Penna. Railroads, and (2) shipments of locomotive fuel from Mine Index No. 81 for use by the Southern Railway so as to permit delivery at all destinations at the same price as other mines located in the Boonville Subdistrict.

Dated: January 27, 1942.

[SEAL]

DAN H. WHEELER,

Acting Director.

[F. R. Doc. 42-808; Filed, January 29, 1942;
10:55 a. m.]

[Docket No. B-187]

IN THE MATTER OF PHILIP SCHULTHIES, JR.,
CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 13, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 15, 1942, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 6, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other

duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is 'in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: that Phillip Schulthies, Jr., Ferdinand, Indiana, code member, whose code membership became effective as of February 14, 1940, operator of the Lambert Mine, Mine Index No. 892, located in Spencer County, Indiana, District No. 11.

(1) Sold to Arthur Hicks, French Lick, Indiana, approximately 150 tons of 1 1/4" x 0 screenings (Size Group 14) produced by said code member at his Lambert Mine, at a price of approximately 50 cents per ton f. o. b. the mine, whereas the effective minimum price established for said coal was \$1.40 per net ton f. o. b. the mine as set forth in Supplement No. 2 to the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments.

(2) That during the period July 1, 1941 to October 31, 1941, inclusive, the aforementioned code member failed to maintain proper records of the sale of said coal referred to in paragraph (1) hereof, as required by Order No. 312, dated February 24, 1941.

Notice is also hereby given that upon determination that the defendant has committed any one or more of the viola-

tions as alleged in the complaint, an order may be entered either revoking the code membership of the defendant or directing the defendant to cease and desist from violating the Code and regulations made thereunder.

Dated: January 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-809; Filed, January 29, 1942;
10:55 a. m.]

[Docket No. A-554]

PETITION OF REPUBLIC COAL COMPANY, A PRODUCER IN DISTRICT NO. 4, FOR REVISION OF EFFECTIVE MINIMUM PRICES OF COAL IN SIZE GROUP 8, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR HEARING TO SHOW CAUSE WHY PETITION SHOULD NOT BE DISMISSED

Republic Coal Company filed an original petition in the above-entitled matter on January 7, 1941, praying for the revision of the effective price classifications and minimum prices established for the coals of Republic Coal Company Mine, Mine Index No. 1948, in District No. 4, in Size Group No. 8.

Although the petitioner was notified by registered mail and by publication in the FEDERAL REGISTER that a hearing in the above-entitled matter was scheduled to be held at a hearing room of the Division on February 21, 1941, at 10 o'clock in the forenoon of that day at Washington, D. C., it failed to appear at the above-mentioned hearing. Nor has the petitioner since indicated that it has any further interest in the above-entitled matter.

Now, therefore, it is ordered, That petitioner show cause why the above-entitled proceeding should not be dismissed, without prejudice, at a hearing before Charles O. Fowler or any other officer of the Division duly designated to preside at such hearing on February 24, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. The Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held. The dismissal of the proceeding pursuant to this Order, however, shall be without prejudice to the right of petitioner to file a petition with the Division in regard to the same matters pursuant to the Rules and Regulations of the Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: January 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-810; Filed, January 29, 1942;
10:55 a. m.]

[Docket No. A-1252]

PETITION OF ONTARIO GAS COAL COMPANY FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF ITS TIDEWATER NO. 1 MINE, MINE INDEX NO. 289, IN DISTRICT NO. 7

NOTICE OF AND ORDER FOR HEARING AND GRANTING TEMPORARY RELIEF

A petition, pursuant to the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of its Tidewater No. 1 Mine, Mine Index No. 289, in District No. 7.

The petition alleges that the coals of the said mine, although produced in the same vicinity and seam as the coals of the Robious Mine, Mine Index No. 703, in District No. 7, are analytically superior to the coals of the latter mine. For the coals of the said Mine Index No. 289 the petition proposes a minimum price of 186 cents per net ton in Size Group 8 for rail shipments only to within the switching limits of Richmond, Virginia, in Market Area 100, and minimum prices of 475, 410, 440, 375, and 200 cents per net ton in Size Groups 1 to 5, inclusive, respectively, for truck shipments.

The proposed minimum prices for the coals of the said mine for truck shipments are substantially higher than those heretofore established for any other mines in District No. 7 for truck shipments. Moreover, the proposed minimum price for the coals of the said mine in Size Group No. 8 for rail shipments to Richmond, Virginia, in Market Area 100, and in all sizes for truck shipments differ substantially from the customary minimum price relationships for other coals for rail shipments to Richmond, Virginia, and for truck shipments. Accordingly, it appears that the necessity for the proposed price classifications and minimum prices should be clearly shown at a hearing.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief, that no petitions of intervention have been filed with the Division in the above-entitled matter, opposing the granting of temporary relief, and that the granting of temporary relief is necessary in order to effectuate the purposes of the Act. It further appears, however, that, pending a hearing, the minimum prices herein-after established for truck shipments should not be higher than the highest minimum prices heretofore established for coals produced in District No. 7, and that the minimum prices for rail shipments are proper.

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on February 26, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bi-

luminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered. That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 21, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervenors or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Ontario Gas Coal Company for the establishment of price classifications and minimum prices for the coals of its Tidewater No. 1 Mine, Mine Index No. 289, in District No. 7; and, more particularly, for the establishment for the coals of the said mine of a minimum price of 186 cents per net ton in Size Group No. 8 for rail shipments only to within the switching limits of Richmond, Virginia, in Market Area 100, and for minimum prices of 475, 410, 440, 375, and 200 cents per net ton in Size Groups 1 to 5, inclusive, respectively, for truck shipments.

It is further ordered. That pending final disposition of the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, the Schedules of Effective Minimum Prices for District No. 7 For All Shipments Except Truck and For Truck Shipments are supplemented to include the price classifications and

minimum prices set forth in the Schedules marked "Temporary Supplement R" and "Temporary Supplement T", annexed hereto and hereby made a part hereof.¹

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: January 27, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-811; Filed, January 29, 1942;
10:56 a. m.]

[Docket No. A-1230]

PETITION OF DISTRICT BOARD NO. 4 FOR THE
ESTABLISHMENT OF PRICE CLASSIFICATIONS
AND MINIMUM PRICES FOR THE
COALS OF CERTAIN MINES IN DISTRICT NO.
4

[Docket No. A-1230 Part II]

PETITION OF DISTRICT BOARD NO. 4 FOR THE
ESTABLISHMENT OF PRICE CLASSIFICATIONS
AND MINIMUM PRICES FOR THE
COALS OF MINE INDEX NOS. 2155, 2954,
1244, 2968, 2969, 267, 827, 1270, 1271,
AND 1314, IN DISTRICT NO. 4, FOR ALL
SHIPMENTS EXCEPT TRUCK

MEMORANDUM OPINION AND ORDER SEVERING
DOCKET NO. A-1230 PART II FROM DOCKET
NO. A-1230, ORDER GRANTING TEMPORARY
RELIEF IN DOCKET NO. A-1230 PART II AND
NOTICE OF AND ORDER FOR HEARING IN
DOCKET NO. A-1230 PART II

The original petition in the above-entitled matter, which was filed with this Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 4.

As the Acting Director found in an Order issued in Docket No. A-1230, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except as to the establishment of permanent price classifications and minimum prices for the coals of Mine Index Nos. 2155, 2954, 1244, 2968, 2969, 267, 827, 1270, 1271, and 1314, in District No. 4, for all shipments except truck, and except as to certain other matters noted in the said Order. With respect to the establishment of permanent price classifications and minimum prices for the coals of the said mine index numbers, the Acting Director is of the opinion that a hearing should be held in view of the circumstances involved.

The petition proposes that two shipping points be established for the Black Hawk Mine, Mine Index No. 2155, the Carson Mine, Mine Index No. 2954, the James Darst Mine, Mine Index No. 1244, the Harrison No. 2 Mine, Mine Index No. 2968, the Harrison No. 3 Mine,

¹ Not filed with the original document.

Mine Index No. 2969, the Romine Mine, Mine Index No. 267, the Plummer Hill Mine, Mine Index No. 827, Mine Index No. 1270, of Charles Schuler, the Shuler Mine, Mine Index No. 1271, and Mine Index No. 1314, of A. R. Smith & Co., for all shipments except truck. While it appears that an adequate showing of necessity has been made that temporary relief be granted, establishing temporary price classifications and minimum prices for the coals of the above-named mines for all shipments except truck from one shipping point, it does not appear that the original petitioner has set forth sufficient facts to warrant the establishment of additional shipping points for the coals of these mines for all shipments except truck, without a hearing. Except as to Mine Index No. 267, the shipping points hereinafter temporarily established for the coals of the said mines are those which appear to be the nearer to such mines and appropriate, therefore for the granting of temporary relief.

The petition proposed that Pomeroy and Hobson, Ohio, on Chesapeake & Ohio Railroad and New York Central Railroad, respectively, be established as the rail shipping points for the coals of Mine Index No. 267 of Leading Creek Coal Company. It does not appear from the records of the Division that this code member has arranged to make such shipments from Hobson. Accordingly, Pomeroy, Ohio, on Chesapeake & Ohio Railroad has been temporarily established as the shipping point for the coals of Mine Index No. 267, pending a hearing.

Now, therefore, it is ordered. That the portion of Docket No. A-1230 relating to the coals of the Black Hawk Mine, Mine Index No. 2155, the Carson Mine, Mine Index No. 2954, the James Darst Mine, Mine Index No. 1244, the Harrison No. 2 Mine, Mine Index No. 2968, the Harrison No. 3 Mine, Mine Index No. 2969, the Romine Mine, Mine Index No. 267, the Plummer Hill Mine, Mine Index No. 827, Mine Index No. 1270, of Charles Schuler, the Shuler Mine, Mine Index No. 1271, and Mine Index No. 1314 of A. R. Smith & Co., for all shipments except truck, be, and the same hereby is, severed from the remainder of Docket No. A-1230 and designated as Docket No. A-1230 Part II.

It is further ordered. That a hearing in Docket No. A-1230 Part II under the applicable provisions of said Act and the rules of the Division be held on February 25, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered. That D. C. McCurtain, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other rec-

ords deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 20, 1942.

All persons are hereby notified that the hearing in Docket No. A-1230 Part II and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 4 for the establishment of price classifications and minimum prices for the coals of the Black Hawk Mine, Mine Index No. 2155, the Carson Mine, Mine Index No. 2954, the James Darst Mine, Mine Index No. 1244, the Harrison No. 2 Mine, Mine Index No. 2968, the Harrison No. 3 Mine, Mine Index No. 2969, the Romine Mine, Mine Index No. 267, the Plummer Hill Mine, Mine Index No. 827, Mine Index No. 1270, of Charles Schuler, the Shuler Mine, Mine Index No. 1271, and Mine Index No. 1314, of A. R. Smith & Co., for all shipments except truck.

It is further ordered, That, pending final disposition of Docket No. A-1230 Part II, temporary relief is granted as follows: Commencing forthwith, Price Schedule No. 1 for District No. 4, For All Shipments Except Truck, is supplemented to include the price classifications and minimum prices set forth in the Schedule marked "Temporary Supplement R", annexed hereto and hereby made a part hereof.¹

Notice is hereby given that applications to stay, terminate or modify the temporary relief granted herein may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: January 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-812; Filed, January 29, 1942;
10:56 a. m.]

¹Not filed with the original document.

[Docket No. A-1124]

PETITION OF DISTRICT BOARD NO. 17 FOR
REVISION OF THE PRICE CLASSIFICATIONS
AND MINIMUM PRICES FOR THE COALS
PRODUCED AT MINE INDEX NOS. 281 AND
291 IN DISTRICT NO. 17

ORDER TERMINATING PROCEEDING

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, filed with this Division by the District Board No. 17 in the above-named docket, requested termination of certain temporary relief granted by the Order of the Director entered May 28, 1941, in Docket No. A-598. That relief was a temporary increase in the minimum prices for the coal produced at the Hunter Mine (Mine Index No. 281) and at the McGinley Mine (Mine Index No. 291) in District No. 17.

The issues raised by the original petition involved matters concerning which a public hearing had already been held in Docket No. A-598 and the final determination of which was under consideration by the Director when the petition was filed in this docket. After filing its petition, District Board No. 17 filed in this docket and in Docket No. A-598 a motion requesting leave to withdraw its original petition and to refile it, together with an accompanying affidavit, in Docket No. A-598 for incorporation in the record of the latter docket. In that motion, it also requested termination of the temporary relief granted in the Director's Order of May 28, 1941, in Docket No. A-598 so far as that relief pertained to Mine Index Nos. 281 and 291, and it prayed that the price classifications and minimum prices for the coals of those mines be finally established at the same levels at which they existed prior to the Order of May 28, 1941.

The above-described motion of District Board No. 17 was considered in Docket No. A-598 and the substance of the relief requested in the motion was granted in the Acting Director's final Order of January 1, 1942, in that docket.

It now appearing that the issues raised in the original petition in Docket No. A-1124 have been finally determined and that the substance of the relief therein requested has heretofore been granted;

It is ordered, That the proceeding in Docket No. A-1124 be, and the same hereby is, terminated.

Dated: January 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-813; Filed, January 29, 1942;
10:56 a. m.]

[Docket No. A-778]

PETITION OF WALLACE COAL COMPANY FOR
TEMPORARY REVISION OF MINIMUM
PRICES ESTABLISHED FOR RAILROAD LOCOMOTIVE FUEL, MINE INDEX NO. 182, DISTRICT NO. 10, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER TO SHOW CAUSE WHY PETITION
SHOULD NOT BE DISMISSED

An original petition having been filed in the above-entitled matter requesting

the Bituminous Coal Division to issue a temporary order which would permit the petitioner to deliver coal from its New Bruce Mine (Mine Index No. 182) having a minimum size of 2 inches to the Missouri Pacific System, for use in its locomotives, at a minimum f. o. b. mine price of \$1.70 until the petitioner procures and installs crushing equipment, but not to exceed a period of sixty (60) days; and

It appearing that the petitioner herein has no further interest in the proceedings, since it has procured and installed crushing equipment;

Now, therefore, it is ordered, That the petitioner be required to show cause why this proceeding should not be dismissed at a hearing before W. A. Shipman or any other officer of the Division duly designated to preside at such hearing on February 25, 1942, at 10 a. m. in the forenoon of that day, at a hearing room of the Division in Washington, D. C., at which time the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

Dated: January 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-815; Filed, January 29, 1942;
10:57 a. m.]

[Docket No. 1811-FD]

IN THE MATTER OF MILLER BROS.,
DEFENDANT

CEASE AND DESIST ORDER

District Board 22 having filed a complaint with the Bituminous Coal Division on July 23, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that Miller Bros., a code member in District 22, wilfully violated the Bituminous Coal Code and the effective minimum prices established thereunder, as follows:

That the defendant, with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices for District 22 for Truck Shipments, and with intent to violate the same, and in violation thereof, sold for shipment by truck 2" and smaller lump coal produced by the defendant at its Miller Bros. Mine (Mine Index No. 201) located in Subdistrict No. 6 of District 22, at prices of \$4.00 and \$4.25 per net ton when the established minimum price applicable thereto is \$4.50 per net ton f. o. b. the mine;

Pursuant to an Order of the Director and after notice to all interested persons, a hearing having been held in this matter on November 15, 1941, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Billings, Montana;

All parties having joined in waiving the preparation and filing of a report by the Examiner; the record of the proceeding thereupon having been submitted to the undersigned for consideration; the undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That the defendant, Miller Bros., its officers, representatives, agents, servants, employees, or attorneys, and all persons acting or claiming to act in its behalf or interest, or in behalf or interest of Carl Miller or Edward Miller, the partners composing Miller Bros., cease and desist and are hereby permanently enjoined and restrained from violating the Code by selling or offering to sell coal produced by the defendant at less than the applicable minimum prices established therefor contrary to the Bituminous Coal Act or any rule and regulations promulgated thereunder, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District 22 for Truck Shipments, and the Marketing Rules and Regulations.

It is further ordered, That if the defendant fails or neglects to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States within any circuit where such defendant carries on business or the United States Circuit Court of Appeals for the District of Columbia for the enforcement hereof, or take other appropriate action.

Dated: January 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-814; Filed, January 29, 1942;
10:57 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF HEARING¹ ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COM- MITTEE NO. 39 FOR THE TEXTILE INDUS- TRY

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on January 5, 1942, by Administrative Order No. 136, appointed Industry Committee No. 39 for the Textile Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 39, on January 22, 1942, recommended a minimum wage rate for the Textile Industry and duly adopted a report containing such recommendation and reasons therefor and filed such report with the Administrator on January 22, 1942, pursuant to section 8 (d) of the act and § 511.19 of the regulations issued under the act; and

Whereas the Administrator is required by section 8 (d) of the act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee

No. 39 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 39 is as follows:

Wages at a rate of not less than forty cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Textile Industry (as defined in Administrative Order No. 136) who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Textile Industry as set forth in Administrative Order No. 136, signed January 5, 1942, is as follows:

2. For the purpose of this order the term "textile industry" means:

(a) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs containing any wool) from cotton, flax, jute, other vegetable fiber, silk, grass, or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in clauses (g) and (h); except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber;

(b) The manufacturing of batting, wadding, or filling and the processing of waste from the fibers enumerated in clause (a);

(c) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics or cords (except carpets and rugs containing any wool) from any fiber or yarn;

(d) The processing of any textile fabric, included in this definition of this industry, into any of the following products: bags; bandages and surgical gauze; bath mats and related articles; bedspreads; blankets; diapers; dish-cloths; scrubbing cloths and wash-cloths; sheets and pillow cases; table-cloths; lunch-cloths and napkins; towels; window curtains; shoe laces and similar laces;

(e) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(f) The manufacturing of cordage, rope or twine from any fiber or yarn including the manufacturing of paper yarn and twine;

(g) The manufacturing, or processing of yarn (except carpet yarn containing any carpet wool) or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in clause (a), containing not more than

45 percent by weight of wool or animal fiber (other than silk);

(h) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in clause (a), with a margin of tolerance of 2 percent to meet the exigencies of manufacture;

(i) The manufacturing, dyeing, finishing or processing of rugs or carpets from grass, paper, or from any yarn or fiber except yarn containing any wool but not including the manufacturing by hand of such products.

3. The definition of the textile industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however*, That this definition does not include employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale: *And provided further*, That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the report and recommendation of Industry Committee No. 39, together with any dissenting statements which may be filed by a member subsequent to the date of this notice, are and will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street.

New York, New York, 341 Ninth Avenue, Newark, New Jersey, Essex Building, 31 Clinton Street.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut & Juniper Streets.

Pittsburgh, Pennsylvania, 219 Old Post Office Building, Fourth and Smithfield Streets.

Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.

Baltimore, Maryland, 201 North Calvert Street.

Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.

Columbia, South Carolina, Federal Land Bank Building, Hampton & Marion Streets.

Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street, N. E.

Jacksonville, Florida, 456 New Post Office Building.

Birmingham, Alabama, 1007 Comer Building, 2nd Avenue & 21st Street.

¹ To be held February 20, 1942.

New Orleans, Louisiana, 916 Union Building.

Jackson, Mississippi, 404 Deposit Guaranty Bank Building, 102 Lamar Street.

Nashville, Tennessee, 509 Medical Arts Building, 115 Seventh Avenue, N.

Cleveland, Ohio, Main Post Office, W. 3rd and Prospect Avenue.

Cincinnati, Ohio, 1312 Traction Building, 5th and Walnut Streets.

Detroit, Michigan, 348 Federal Building.

Chicago, Illinois, 1200 Merchandise Mart, 222 W. North Bank Drive.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title & Trust Building, 10th & Walnut Streets.

St. Louis, Missouri, 100 Old Federal Building.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

Dallas, Texas, Rio Grande National Building, 1100 Main Street.

San Francisco, California, 500 Humboldt Bank Building, 785 Market Street.

Los Angeles, California, 417 H. W. Hellman Building.

Seattle, Washington, 305 Post Office Building, 3rd Avenue and Union Street.

San Juan, Puerto Rico, Post Office Box 112.

Washington, District of Columbia, Department of Labor, 4th Floor.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing will be held on February 20, 1942, before Major Robert N. Campbell, Presiding Officer, at 10:00 a. m. in Room 3114 of the United States Department of Labor Building at Washington, D. C. for the purpose of taking evidence on the following question:

Whether the recommendation of Industry Committee No. 39 shall be approved or disapproved.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 39, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person: *Provided*, That not later than February 14, 1942, any such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 39.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division,

United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 39 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following documents relating to the Textile Industry will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

Mimeographed release G-67, issued by the Bureau of Labor Statistics of the U. S. Department of Labor, entitled *Report and Recommendations of Industry Committee No. 12 for the Carpet and Rug Industry*.

Mimeographed release G-144, issued by the Bureau of Labor Statistics of the U. S. Department of Labor, entitled *Report and Recommendation of Industry Committee No. 25 for the Textile Industry*.

Mimeographed release G-132, issued by the Bureau of Labor Statistics of the U. S. Department of Labor, entitled *Findings and Opinion of the Administrator in connection with the Recommendation of Industry Committee No. 12 for the Carpet and Rug Industry*.

Report entitled *Some Basic Information on the Textile Industry, April 1941*, prepared by the Research and Statistics Branch of the Wage and Hour Division, U. S. Department of Labor.

Report on the Carpet and Rug Industry, July 1940, prepared by the Research and Statistics Branch of the Wage and Hour Division, U. S. Department of Labor.

Mimeographed release G-173; issued by the Bureau of Labor Statistics of the U. S. Department of Labor, entitled *Findings and Opinion of the Administrator in connection with the Recommendation of Industry Committee No. 25 for the Textile Industry*.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Presiding Officer as are deemed appropriate:

1. The hearings shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, Department of Labor, Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he

will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing, the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 29th day of January 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-825; Filed, January 29, 1942;
12:00 m.]

No. 21—3

FEDERAL TRADE COMMISSION.

[Docket No. 4548]

IN THE MATTER OF E. J. BRACH & SONS, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of January, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., section 41), and (49 Stat. 1526, U.S.C.A., section 13, as amended).

It is ordered, That John L. Hornor, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony, in this proceeding begin on Wednesday, February 11, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-819; Filed, January 29, 1942;
11:30 a. m.]

[Docket No. 4632]

IN THE MATTER OF J. FREIDSON SHOE COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of January, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on

Monday, February 9, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 215, Federal Building, York, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-820; Filed, January 29, 1942;
11:30 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-447]

IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of January, A. D. 1942.

Panhandle Eastern Pipe Line Company, a subsidiary of both Columbia Gas & Electric Corporation, a registered holding company, and Columbia Oil & Gasoline Corporation, which is also a subsidiary company of Columbia Gas & Electric Corporation, having filed a declaration pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 regarding a proposal to alter the rights of the holder of its Class A Preferred stock (wholly-owned beneficially by Columbia Oil & Gasoline Corporation) with respect to the declaration during the year 1941 and payment of a participating dividend, arising from a change in the basis on which such participating dividend will be computed, on which altered basis the aggregate amount of such participating dividend will be \$201,841.75 instead of \$247,592.55, otherwise payable;

A hearing with respect to the issues raised by the declaration having been duly had after appropriate notice, and the Commission having examined the record and made and filed its findings and opinion therein;

It is ordered, That, subject to the terms and conditions prescribed in Rule U-24 promulgated under the Act, the aforesaid declaration be and the same hereby is permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-826; Filed, January 29, 1942;
11:58 a. m.]

